



## **CITY OF KIRKLAND**

Planning and Community Development Department  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225  
[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

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### **ADVISORY REPORT FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS**

**To:** Kirkland Hearing Examiner

**From:** \_\_\_\_\_ Ronald Hanson, Project Planner  
\_\_\_\_\_  
Dawn Nelson, AICP, Planning Supervisor  
\_\_\_\_\_  
Eric R. Shields, AICP, Planning Director

**Date:** November 7, 2007

**File:** RUNNING SHORT PLAT (SPL07-00025)

**Hearing Date and Place:** November 15, 2007, 9:00 a.m.  
City Hall Council Chamber  
123 Fifth Avenue, Kirkland

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## **I. INTRODUCTION**

### **A. APPLICATION**

1. Applicant: Kirk Running
2. Site Location: 7004 122<sup>nd</sup> Avenue NE (See Vicinity Map, Attachment 1).
3. Request: Subdivide one developed 13,416 square foot site (.30 acres) located in the single-family RSX 7.2 zone into two single-family lots. Since the site area is less than normally required for a two lot short plat in the RSX 7.2 zone (14,400 square feet), this short plat application is being reviewed under the lot size reduction provisions of Kirkland Municipal Code Section 22.28.030. There is an existing single family house located on the west end of the site that the applicant is proposing to retain on proposed Lot 1 (See Attachments 2a-b, and Section II.E.2).
4. Review Process: Short Plat, Planning Director decision.
5. Summary of Key Issues and Recommendations: The key issues in consideration of this short plat are compliance with established development regulations, removal of the existing carport, covered patio, storage structure, and walkways, and deviation from the minimum lot size requirements (See Attachment 3, Development Standards, Section II.E, and Section I.B. Recommendations).

### **B. RECOMMENDATIONS**

Based on Findings of Fact and Conclusions (Section II), and the Attachments included in this report, city staff recommends approval of this application subject to the following conditions:

1. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 3, Development Standards, is provided in this report to familiarize the applicant with some of the additional development regulations. This attachment does not include all of the additional regulations. When a condition of approval conflicts with a development regulation in Attachment 3, the condition of approval shall be followed (See Conclusion II.G.2).
2. Trees shall not be removed following short plat approval, except as approved by the Planning Department. Attachment 3, Development Standards, contains specific information concerning tree retention requirements (See Conclusion II.E.1.b).
3. Prior to recording the short plat, the applicant shall:
  - a. Sign a covenant ensuring that the future buildings on each lot comply with a .40 Floor Area Ratio (See Conclusion II.E.3.c.2).
  - b. Revise the lot common property line between Lots 1 and 2 so that both lots are approximately 6,708 square feet (See Conclusion II.E.3.a.2).
  - c. Provide two on-site parking spaces for the existing house being retained on Lot 1 (See Conclusion II.A.1.b).

- d. Obtain a demolition permit from the City of Kirkland and remove the existing carport, storage structure, covered tile patio, driveway pavement located within 5 feet of the north property line, and walkways that straddle the common property line between proposed Lots 1 and 2 and the proposed access easement (See Conclusion II.A.1.b).

## **II. FINDINGS OF FACT AND CONCLUSIONS**

### **A. SITE DESCRIPTION**

#### **1. Site Development and Zoning:**

##### **a. Facts:**

- (1) Size: The site area is 13,416 square feet (.30 acres). Since the site area is less than normally required for a two lot short plat in the RSX 7.2 zone (14,400 square feet), this short plat is being reviewed under the lot size reduction provisions of Kirkland Municipal Code Section 22.28.030 (See Section II.E.2)
- (2) Land Use: The western portion of the site is developed with a single family house, carport, storage structure, covered patio, paved driveway and walkways. The applicant is proposing to retain the existing house and remove all other structures and hard surfaces. The existing house will meet the applicable FAR (40%), site coverage (50%) and structure setback requirements of the RSX 7.2 zone on proposed Lot 1. The carport and storage structure located on the north side of the house, the covered tile patio located on the east side of the house, and other walkways straddle either the proposed access easement or common property line between Lots 1 and 2. In addition, the existing driveway pavement extends to the north property line of the site (See Attachments 2a-b).
- (3) Zoning: RSX 7.2, a single-family residential zone with a minimum lot size of 7,200 square feet. The area of proposed Lot 1 is 6,612 square feet and Lot 2 is 6,804 square feet (See Attachments 2a-b, and Section II.E.2).
- (4) Terrain: The site is generally level (See Attachments 2a-b).
- (5) Vegetation: There are 13 significant trees on the site. Other vegetation consists of lawn and residential landscaping on the western portion of the site (Lot 1), and lawn and a garden on the eastern portion of the site (Lot 2) (See Attachments 2a-b, Attachment 3, Attachment 4, and Section II.E.1).

- b. Conclusions: Size, Zoning, Terrain, and Vegetation are not constraining factors in this application. Land Use is not a constraining factor provided the existing carport, storage structure, covered patio, walkways, and the driveway pavement located within 5 feet of the north property line are removed.

#### **2. Neighboring Development and Zoning:**

- a. Facts: The subject property is surrounded by the following uses:

North: The area is zoned RSX 7.2 and is developed with single family homes.

South: To the south is NE 70<sup>th</sup> Street and an area zoned RS 8.5 developed with single family homes.

East: The area is zoned RSX 7.2 and is developed with single family homes.

West: To the west is 122<sup>nd</sup> Avenue NE and an area zoned RSX 7.2 developed with single family homes.

- b. Conclusion: The neighborhood development and zoning are not constraining factors in this short plat.

## **B. HISTORY**

Facts: The site consists of a portion of Lot 10, Block 3, of the plat of Orchard Heights. There are no known historical land use actions that would affect the proposed short plat.

2. Conclusion: The subject short plat application is being processed under current Zoning and Subdivision regulations that apply to the property. The short plat will comply with all zoning, subdivision and municipal code requirements currently in effect in order to receive approval (See Section II.D). History is not a constraining factor in this application.

## **C. PUBLIC COMMENT**

The public comment period for the short plat extended from September 6, 2007 to September 24, 2007. The Planning Department received three letters during the above comment period. The first letter is from Marian Donnelly-Joss who resides at 7033 122<sup>nd</sup> Avenue NE (See Attachment 4a). The second is letter is from Melinda Bronsdon who resides at 12229 NE 64<sup>th</sup> Street (See Attachment 4b). The third is from Al Wingert who resides at 12204 NE 68<sup>th</sup> Place (See Attachment 4c).

The concerns raised in the letters include (1) Opposition to the removal of the existing home on the site; (2) opposition to the construction of large homes that are out of character with the neighborhood; (3) safety issues related to driveway location; (4) inadequate guest parking, and (5) compliance with lot size requirements of the RSX 7.2 zone.

*Staff Response: (1) The applicant is proposing to retain the existing house on proposed Lot 1 of the short plat. The existing carport and storage enclosure located on the north end of the site, and the covered patio on the east side of the house will be removed to allow for vehicular access, and to meet the structure setback requirements of the RSX 7.2 zone. (2) As required by the Kirkland Subdivision Ordinance, the total square footage of the future home on Lot 2 will be reduced from the normally allowed 50% of the lot area to 40% of the lot area. This will help ensure that the future home to be constructed on Lot2 will be more in scale with the homes in the general vicinity, and with the size of the new lot. (3) Due to the amount of traffic on NE 70<sup>th</sup> Street, an arterial type street, the Public Works Department is recommending that vehicular access to both Lots be from 122<sup>nd</sup> Avenue NE (a neighborhood access type street), via the proposed access easement on the north end of the site. In addition, the Public Works Department is recommending that there be no visual*

*obstructions at the intersection so that required sight distance requirements can be met. (4) The Kirkland Zoning Code requires that a minimum of 2 parking spaces be provided on the lot for each home. The applicant is required to install 2 parking stalls for both the existing home on Lot 1 and the future home on Lot 2. (5) The City of Kirkland Subdivision Ordinance includes lot size reduction provisions which allow subdivision of property with less than the normally required lot sizes under certain circumstances. See Section II.E.2.b for further discussion.*

#### **D. APPROVAL CRITERIA**

1. Facts: Municipal Code Section 22.20.140 states that the Planning Director may approve a short subdivision only if:
  - a. There are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools; and
  - b. It will serve the public use and interest and is consistent with the public health, safety, and welfare. The Planning Director shall be guided by the policy and standards and may exercise the powers and authority set forth in RCW 58.17.

Zoning Code Section 145.45 states that the Planning Director may approve a short subdivision only if:

- a. It is consistent with all applicable development regulations, including but not limited to the Zoning Code and Subdivision Code, and to the extent there is no applicable development regulation, the Comprehensive Plan.
2. Conclusion: The proposal complies with Municipal Code Section 22.20.140 and Zoning Code Section 145.45. It is consistent with the Comprehensive Plan (See Section II.F). With the recommended conditions of approval, it is consistent with the Zoning Code and Subdivision regulations (See Section II. D) and there are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools. It will serve the public use and interest and is consistent with the public health, safety, and welfare because the proposal will contribute to the housing stock of the community in a manner that is consistent with the Comprehensive Plan.

#### **E. DEVELOPMENT REGULATIONS**

1. Natural Features - Significant Vegetation
  - a. Facts:
    - 1) Regulations regarding the retention of trees can be found in Chapter 95 of the Kirkland Zoning Code. The applicant is required to retain all viable trees on the site following the short plat approval. Tree removal will be considered at the land surface modification and building permit stages of development.
    - 2) The applicant has submitted a Tree Plan III, prepared by a certified arborist (See Attachment 5). Specific information regarding the tree density on site and the viability of each tree can be found in Attachment 3, Development Standards.

- b. Conclusions: The applicant has provided a Tree Plan III with the short plat application and this plan has been reviewed by the City's Arborist. The applicant should retain all viable trees during the construction of plat improvements and residences and comply with the specific recommendations of the City's arborist.
2. General Lot Layout and Site Development Standards

- a. Fact: Municipal Code Section 22.28.030 requires that all lots meet the minimum size requirements established for the property in the Kirkland Zoning Code or other regulatory documents. If a property is smaller than that required for subdivision by an amount greater than 10 percent and less than or equal to 15 percent of the minimum lot size for the zoning district as shown on the Kirkland Zoning Map, subdivision may still proceed as long as the proposal complies with all of the criteria in Section 3 below.

The RSX 7.2 zone has a minimum lot size of 7,200 square feet. A total of 14,400 square feet would normally be required for the proposed two lot short plat. Proposed Lot 1 is 6,612 square feet and Lot 2 is 6,804 square feet for a total site area of 13,416 square feet. The total site area is 984 square feet less than that normally required (13.6%), for a two lot short plat in the RSX 7.2 zone.

- b. Conclusions: The subject property does not meet the minimum lot size requirement of 14,400 square feet for the proposed two lot short plat in the RSX 7.2 zone. However, the property is within the size range that subdivision may proceed as long as the criteria in Section 3 below are met.

3. Lot Size Reduction Criteria

- a. The shortage of area is spread evenly over all of the lots in the subdivision (unless an existing structure or other physical feature such as a sensitive area or easement makes even distribution of the size shortage difficult).

- 1) Fact: The applicant is proposing Lot 1 to be 6,612 square feet, and Lot 2 to be 6,804 square feet. The shortage of area is currently not evenly distributed between the two lots. The existing house is located on proposed Lot 1, the smaller of the two lots. There are no existing structures or other physical features that make even distribution of the size shortage difficult. The shortage of area can be evenly distributed between the two lots by relocating the common property line between Lots 1 and 2 to the east by slightly less than one (1) foot.

- 2) Conclusion: Prior to recording the short plat with King County, the applicant should revise the proposed lot line between Lots 1 and 2 so that both lots are the same size at approximately 6,708 square feet.

- b. All lots have a minimum lot width at the back of the required front yard of no less than 50 feet (unless the garage is located at the rear of the lot or the lot is a flag lot).

- 1) Fact: Both proposed lots have a minimum lot width at the back of the required front yard of no less than 50 feet. Lot 1 is 64 feet in width and Lot 2 is 58 feet in width.

- 2) Conclusion: Both lots meet the above minimum lot width requirement.

- c. In zoning districts for which the Zoning Code establishes a floor area ratio (FAR) limitation, a covenant is signed prior to recording of the plat ensuring that buildings on the new lots will comply with an FAR restriction at least ten percentage points less than that required by the zoning district as shown on the Kirkland Zoning Map.

1) Facts:

- a) The maximum FAR currently allowed within the RSX 7.2 zone for a single family residence is 50%. Under current zoning regulations, 10 percentage points less would allow a maximum FAR of 40%. The subject site is not located within the jurisdiction of the Houghton Community Council, therefore, the above FAR restriction applies to the subject short plat.
- b) The existing single story house on Lot 1 is being retained. The house is 1,400 square feet in size based on the applicant survey. Based on the proposed size of Lot 1 (6,612 square feet, the existing house would have a 21% FAR. If both lots are the same size, approximately 6,708 square feet, the resulting FAR would be 20.8%

2) Conclusions:

- a) The applicant should submit a covenant stating that the maximum FAR allowed on each lot within the subject short plat is 10 percentage points less than that allowed by the zoning district as shown on the zoning map, to be recorded with the King County.
- b) The existing house being retained on Lot 1 meets the 40% FAR restriction.
- d. If any lot is smaller than the minimum lot size for the zoning district by an amount greater than 5% of the minimum lot size, the subdivision shall be reviewed and decided using Process IIB described in Chapter 152 of Title 23 of this Code. Approval of the application may only be recommended if the new lots are compatible, with regard to size, with other lots in the immediate vicinity of subdivision.

1) Facts:

- a) Lot 1 (developed) is proposed to be 6,612 square feet, approximately 8.1% smaller than the 7,200 square feet required by the RSX 7.2 zoning district. Lot 2 is proposed to be 6,804 square feet, approximately 5.5 % smaller than the 7,200 square feet required by the RSX zoning district. If both lots are the same size (6,708 square feet), each lot will be approximately 6.8% smaller than the 7,200 square feet required by the RSX 7.2 zoning district. Since both lots are more than 5% smaller than the minimum lot size required for its zoning district, this application is being reviewed using Process IIB.
- b) The subject property is 13,416 square feet, 984 square feet short of meeting the 14,400 square foot minimum site size for a two lot short plat in the RSX 7.2 zone. If the property were 274 square feet larger, a Process IIB application would not be required. This would be the equivalent of each parcel being about approximately 1.25 feet wider.

- c) In the surrounding area zoned RSX 7.2 (within 500 feet of the subject site, north of NE 70<sup>th</sup> Street) all of the existing lots meet or exceed the minimum lot size of 7,200 square feet. Several of the lots within this area are of sufficient size to be short platted in the future and will have access to the same lot size reduction provisions of the Kirkland Subdivision Code that are being applied to the subject short plat.
  - d) In the surrounding area zoned RS 8.5 (within 500 feet of the subject property, south of NE 70<sup>th</sup> Street) two of the lots contain less than the minimum lot size of 8,500 square feet. The lot located at 12033 NE 70<sup>th</sup> Street contains 7,880 square feet, and the lot located at 12025 NE 70<sup>th</sup> Street contains 7,575 square feet. Both of these lots are more than 5 percent smaller than the minimum required 8,500 square feet in the RS 8.5 zone.
  - e) The existing single story 1,400 square foot home on proposed Lot 1 is being retained. The resulting FAR on this lot will be 20.8%. The future home on Lot 2 will have a maximum FAR restriction of 40%. This will result in a total square footage of the house (including garage) of 2,683 square feet. If both proposed lots were 132 square feet larger, or 6,840 square feet in size, the lots would be subject to the normal 50% FAR requirement of the RSX 7.2 zone. The resulting allowable home size would be increased to 3,420 square feet, or 737 square feet (21.5%) larger than will be allowed on the lots with the FAR restriction.
  - f) There are 47 single family lots zoned RSX 7.2 located on the north side of NE 70<sup>th</sup> Street within 500 feet of the subject site. Based on King County records, home sizes (including garage) range from 700 square feet to 3,930 square feet. Thirty four (34) of the lots have homes ranging in size from 700 square feet to 2,630 square feet, all of which are smaller than will be permitted on the subject short plat site with the maximum 40% FAR restriction. The smaller homes within this area are generally older homes built in an era prior to the addition of many of the improvements expected in homes built in today's residential market.
- 2) Conclusion: The proposed short plat is consistent with the criteria established to allow a reduction in lot sizes. The lots are somewhat smaller than those in the immediate neighborhood. However, with the 40% FAR restriction, the resulting development will be compatible with the existing development in the neighborhood.

## **F. COMPREHENSIVE PLAN**

1. Fact: The subject property is located within the South Rose Hill Neighborhood. The Land Use Plan on page XV.G-7, Figure SRH-3, designates the subject property for low-density residential, 6 dwelling units per acre (See Attachment 7). The proposed density is approximately 6.49 dwelling units per acre. Table LU-3 in the Comprehensive Plan provides a range of residential densities described in the Comprehensive Plan with comparable zoning classifications. The table indicates that low density residential zones with a 6-7 dwelling unit per acre designation corresponds to an RS 7.2 zoning classification. The subject site is zoned RSX 7.2.
2. Conclusion: The proposal is consistent with the Comprehensive Plan designation.



#### **G. DEVELOPMENT REVIEW COMMITTEE**

1. Fact: Additional comments and requirements placed on the project are found on the Development Standards Sheet, Attachment 3.
2. Conclusion: The applicant should follow the requirements set forth in Attachment 3.

#### **III. SUBSEQUENT MODIFICATIONS**

Modifications to approval may be requested and reviewed pursuant to the applicable modification procedures and criteria in effect at the time of the requested modification.

#### **IV. JUDICIAL REVIEW**

Section 152.110 of the Zoning Code allows the action of the City in granting or denying this zoning permit to be reviewed in King County Superior Court. The petition for review must be filed within 21 calendar days of the issuance of the final land use decision by the City.

#### **V. LAPSE OF APPROVAL**

Under Section 22.20.370 of the Subdivision Ordinance, the short plat must be recorded with King County within four (4) years following the date of approval, or the decision becomes void; provided, however, that in the event judicial review is initiated, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the short plat.

#### **VI. APPENDICES**

Attachments 1 through 6.

1. Vicinity Map
2. Boundary and Topographic Survey
3. Development Standards
4. Public Comments
  - a. Letter from Marian Donnelly-Joss
  - b. Letter from Malinda Bronsdon
  - c. Letter from Al Wingert
5. Arborist Report prepared by Giles Consulting
6. South Rose Hill Neighborhood Land Use Plan on Page XV.G-7, Figure SRH-3

#### **VII. PARTIES OF RECORD**

Kirk Running, 6513 132<sup>nd</sup> Avenue NE, Kirkland, Wa. 98033  
Marian Donnelly-Joss, 7033 122<sup>nd</sup> Avenue NE, Kirkland, Wa. 98033  
Melinda Bronsdon, 12229 NE 64<sup>th</sup> Street, Kirkland, Wa. 98033  
Al Wingert, 12204 NE 68<sup>th</sup> Place, Kirkland, Wa. 98033  
Department of Planning and Community Development  
Department of Public Works  
Department of Building and Fire Services